



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2348-00

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 19 December 1946 at the age of 17. Your record reflects that you served for nearly a year without disciplinary incident. However, on 5 November 1947, you received captain's mast (CM) for shirking your duties, insolence, and using obscene language. The punishment imposed was extra duty for 10 hours. On 17 June 1948 you received CM for disturbing the peace and were awarded loss of five liberties. You received your third CM on 18 April 1949 for improper duty performance. The punishment imposed was bread and water for five days.

Your record further reflects that on 9 June 1950 you were convicted by civil authorities of reckless driving, damage to city property, driving under the influence, leaving the scene of an accident, and driving without a valid license. You were sentenced to pay a \$230 fine or to make restitution at a city work farm. Shortly thereafter, on 12 June 1950, you received CM for a four day period of unauthorized absence (UA) and were awarded restriction for 30 days.

Subsequently, you were processed for an administrative separation by reason of unsuitability. An administrative discharge board recommended you be separated by reason of unsuitability as evidenced by your four CMs and civil conviction. The discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of unsuitability, and on 18 July 1950 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, character reference letters, Coast Guard license, and your contention that your discharge was in excess of the punishment you received for your civil conviction. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director